

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JULY 28, 1981

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Mr. Mark Johnson, Sales Manager
Oil-Dri Corporation of America
520 N. Michigan Avenue
Chicago, Illinois 60611

Dear Mr. Johnson:

I am in receipt of your letter of July 14 requesting guidance on whether use of your Safe-N-Dri Absorbent Microgranules to solidify liquids constitutes treatment and thus, by extension, would require a permit. This is not the first time this question has arisen. The answer turns on how your material is used.

If Safe-N-Dri is used to clean up a spill, then that act of "treatment" is not subject to regulation or the requirement to get a permit. (See §264.1 (g) (8) issued November 19, 1980.) The resulting waste, however, may be subject to RCRA controls if it possesses one of the characteristics of a hazardous waste in accordance with Subpart C of Part 261 of the regulations or if the material sorbed into the Safe-N-Dri was listed as a hazardous waste under Subpart D of Part 261.

If, on the other hand, the Safe-N-Dri is used to change liquid hazardous wastes to solid form in a manner not directly related to a spill, then the operation does constitute "treatment" in accordance with the definition in §260.10 of the regulations. It is a "technique . . . designed to change the physical . . . character . . . of . . . hazardous waste . . . so as to render such waste . . . safer to . . . dispose of" Since such activities do constitute "treatment" and are not included in §§264.1 (g), 265.1 (c), or 122.21 (d) (2), then they are subject to all of the applicable waste management requirements, including the requirement to obtain a permit.

Others have suggested to us that the need to get a permit for absorption of liquid hazardous wastes will unnecessarily inhibit this method of treatment which poses little or no hazard to human health or the environment anyway. These commenters suggest further that the Agency should be encouraging this method of treatment since its use facilitates compliance with the ban on liquids in landfills which will soon become effective.

At least on the surface, there is merit in these arguments and we have assigned Ken Shuster (202/755-9125) to investigate the issue. If you have any questions or comments, please contact him.

Very truly yours,

John P. Lehman
Director
Hazardous & Industrial Waste Division (WH-565)

cc: Mike Barclay
Ken Shuster